

Art Unit 2621
Serial No. 09/960,030

Reply to Office Action of: July 10, 2006
Attorney Docket No.: K35A0978

REMARKS

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REJECTION UNDER 35 USC § 101

The examiner rejected claims 15-18 under 35 USC § 101 for claiming non-statutory subject matter, arguing that the claims are directed to a recording medium storing nonfunctional descriptive material. The applicant respectfully disagrees.

The data structures recited in the claims do not define nonfunctional descriptive material. Nonfunctional descriptive material includes such items as music, literary works, and a compilation or mere arrangement of data (see MPEP 2106.IV.B.1). "In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer ... and is thus statutory." MPEP 2106.IV.B.1.a. Claims 15 and 16 recite a computer program embodied on a computer readable storage medium for use in a digital video recorder (DVR) for use with a monitor and a set top box (STB), and the claimed code segments define structural and functional relationships between the computer program and the DVR. Similarly, claims 17 and 18 recite a computer program embodied on a computer readable storage medium for use in a STB for use with a monitor and a DVR, and the claimed code segments define structural and functional relationships between the computer program and the STB. The claims therefore recite statutory subject matter under 35 USC § 101.

REJECTION UNDER 35 USC § 102

The examiner rejected claims 8-14 and 17-18 under 35 U.S.C. § 102(e) as anticipated by U.S. patent application no. 2002/0170073 issued to Miller *et al.*

Regarding claims 8 and 17, the Applicant submits that the above amended claims overcome the rejections set forth by the Examiner. However, although changes

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to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made to expedite prosecution of the present application.

Regarding claim 10, Miller does not disclose or suggest that the plurality of program identifiers identify respective programs recorded by the DVR. For at least these reasons, the rejection of claim 10 should be withdrawn.

Regarding claim 12, Miller does not disclose or suggest that the STB uses the plurality of program identifiers to display Electronic Program Guide (EPG) data in the STB GUI. For at least these reasons, the rejection of claim 12 should be withdrawn.

Regarding claims 14 and 18, Miller does not disclose or suggest to communicate to a DVR information identifying a program selected by a user from a STB GUI. The examiner asserts that Miller discloses this limitation in paragraph [0002], lines 4-9. However, this section merely states that "a DVR may be preset to record a channel at a certain time," and in paragraph [0032] Miller teaches that in FIG. 1 the IR receiver 210 of the DVR (companion box 140) receives commands from a DVR remote control (RC) 100 to record a specific TV program. Miller does not teach anywhere that the STB may communicate to the DVR information identifying a program selected by a user from the STB GUI. For at least the above reasons, the rejection should be withdrawn.

The rejections of the remaining claims should be withdrawn for at least the reasons set forth above.

NEW CLAIMS

New claims 19 and 20 have been added and are believed to be fully distinguished over the prior art of record.

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CONCLUSION

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are now in condition for allowance and requests reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: August 7, 2006

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